

INSURANCE DIVISION[191]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 505.8 and 514D.9, Iowa Code chapter 514G and 2008 Iowa Acts, House File 2694, section 12, the Insurance Division hereby amends Chapter 39, “Long-Term Care Insurance,” Iowa Administrative Code.

The chapter and the Act, among other things, establish standards for long-term care insurance, including a mechanism for the independent review of insurance companies’ determinations regarding whether an insured has met the necessary conditions to have benefits paid. The Iowa Insurance Commissioner has the authority to adopt rules for administering the independent review process of insurers’ benefit trigger determinations. (See 2008 Iowa Acts, House File 2694, section 12.) The proposed amendment will provide further guidance and clarification as to how the independent review process will operate. The subrule became effective January 1, 2009.

In compliance with Iowa Code section 17A.4(2), the Division finds that notice and public participation are unnecessary because the amendment adopted herein is a clarification of a rule that was Adopted and Filed to be effective January 1, 2009.

The Division also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendment, 35 days after publication, should be waived and this amendment should be made effective on January 1, 2009, so as to provide clarification and guidance to insurance companies that must comply with the rule.

The Insurance Division adopted this amendment on December 24, 2008.

This amendment became effective on January 1, 2009.

This amendment is intended to implement Iowa Code chapters 514D and 514G and 2008 Iowa Acts, House File 2694.

The following amendment is adopted.

Amend subrule 39.51(1) as follows:

39.51(1) No later than January 1, 2009, each insurer delivering or issuing for delivery long-term care insurance policies in this state on or after July 1, 2008, and each insurer that has active long-term care policies or riders under which claims for benefits may be made on or after July 1, 2008, shall provide the commissioner the name or title, telephone and fax numbers and E-mail address of an individual who shall be the insurer’s contact person for independent review procedures and matters. Any changes in personnel or communication numbers shall be immediately communicated to the commissioner.

[Filed Emergency 12/24/08, effective 1/1/09]

[Published 1/14/09]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/14/09.